1: Cunningham G-3 (1846-47) 1854 AJ4 W. Tibetans AJ4

The punishments were few in kind, being only stripes, fines, and imprisonment, and in extreme cases, banishment or death; but they were numerous in degree, apportioned to the amount of guilt. The punishment of death was seldom awarded, and still more rarely executed. In cases of sacrilege, such as spoliation of temples, or in horrible cases of murder, the criminals were either crucified, or thrown into the Indus, bound hand and foot and weighted with stones. But the more usual punishment for murder was banishment, or rather ignominious expulsion from society, preceded by stripes and branding, and accompanied by every indignity that could be imagined by the ingenious malice of men, or that could be perpetrated by the elaborate mischief of boys. The brand was made of iron, and was about one inch in length. It bore a dog's head, with the inscription, "dog-marked—expelled." Thus after being well flogged and branded, the unfortunate criminal was drummed out of society, followed by hooting crowds,* who pelted him with stones and dirt.

For the murder of a child, a woman was sentenced to the loss of one hand, and to expulsion with the same indignities as above.

In cases of killing in a scuffle, the custom of Great Tibet was to bind the homicide to the corpse, and at the end of twenty-four hours to cast the living and dead together into the river. I did not hear of this custom in Ladák; but as commutation of punishment is almost

* The expression used by my informant was *ho-ho*, that is, the man was *ho-ho-ed*, or hooted. The brand of a dog was also used in Kashmir as a mark of disgrace at least nine hundred years ago. In the *Raja Taringini* it is related that Reja Saugráme, in A.D. 948, punished the Brahman Chakramela by marking his forehead with the "paw of a dog" (*Swapádena*).

1: Cunningham G-3 (1846-47) 1854 AJ4 W. Tibetans AJ4

696 always procurable for money, it is probable that the sentence of the law may have been death, although in practice the culprit was permitted to compromise by stripes, imprisonment, and fine. Such a course was in strict keeping with the precepts of their religion, which is averse to the taking of any animal life.

●681 The two modes of capital punishment were *drowning*
696 and *crucifixion*. In the former the culprit was bound hand and foot, and thrown into the Indus with a stone fastened to his neck.* In the latter mode the criminal was conducted to the *Songsa*, or "place of execution," by the *Shetma*, or "executioner." The *Sal-shing*,† or "crucifix," was a St. Andrew's cross fixed to an upright stake. The culprit was stripped naked; his hands and feet were bound to the extremities of the cross, while his head was secured to the upright stake by his own hair. In this position he was either quickly tortured to death by boiling oil, or was slowly allowed to expire under all
[784] the agonies of thirst and physical suffering. It is worthy of notice that in both of these modes of capital punishment, the shedding of blood was studiously shunned; for the sentence of crucifixion was carried out by *binding*, instead of nailing, the criminal to the cross. I presume, therefore, that there must have been some religious repugnance to putting a culprit to death by any mode that involved the shedding of blood. Mutilation of one or of both hands was, however, occasionally employed.

* Fra Orazio, p. 291. The same punishment was carried into effect in the same manner in Great Tibet. The culprit was "getta al fiume con un gran sasso al collo."

† *gSal-shing*, "clear wood." For what reason such a name was given to the stake, it would perhaps be difficult to discover. Perhaps it was intended for the tree that *cleanses* from guilt.

1: Cunningham G-3 (1846-47) 1854 AJ4 W. Tibetans AJ4

in the boiling oil.* The extraction of the *white* stone, with an uninjured hand, is held as a complete proof of innocence; while the extraction of the *black* stone, with uninjured hand, is equivalent to the Scotch verdict of "not proven," of which the accused receives the benefit.

The foregoing is a concise account of the practical laws of Ladák under its native rulers. Amongst a people who were averse to the taking of any animal life, the sentence of death was but seldom enforced; the last case of capital punishment, which was executed in 1845, being the only one during thirty years; and I suspect that even this sentence would not have been carried into effect but for the stern and unbending firmness of *Magna*, the dogra thanadar of Lé. The culprit was a blacksmith of Chachot, who had been repeatedly punished by imprisonment, fines, and stripes, for pilfering the gilt leaves of books from the monasteries and the gilded pinnacles of the *Chodtens*, or mausolea. His last exploit was the entire removal of the copper-gilt pinnacles from the *Chodtens* attached to the large monastery of Hémis. The thanadar was proof against all appeals for mercy, chiefly, I believe, with a view to conciliate the religious brotherhood of Hémis, and partly as a stroke of policy in a newly-conquered country, to exhibit a marked example of unflinching firmness in the execution of the law. As a Hindu, Magna Thanadar was quite indifferent in the matter of life or death. The unfortunate thief was therefore bound hand and foot,

* Fra Orazio, del Regno del Thibet, p. 290. The Capuchin father declares that the Tibetans can save their hands from injury by the use of some secret art (si servono d'un certo secreto, o per arte magica).

I.C.unningham G-3 (1846-47) 1854 AJ4 W. Tibetans AJ4

685 and, with a stone fastened to his neck, was cast headlong into the Indus from the Chachot bridge.

681 The laws of Ladák still continue in force under the rule of Mahárája Guláb Sing, with the single exception of death for the slaughter of kine. This punishment was early carried into effect in some eight or ten cases in the different districts of Ladák. In 1841 and 1842 at Nubra, Chachot, Lé, and Nyimo, single individuals were put to death, and their bodies exposed on gibbets, by Jhandu, the thanadar of Lé, for killing and eating kine. All these were Musulmáns from Balti. In Drás, where all the population are Mahomedans, several were put to death by Gusáun Thanadar for the same cause. The skeleton of the man gibbeted at Lé, in 1841, was still nearly perfect in October 1847, when I saw it.

IV.—REVENUE.

The chief sources of revenue in Ladák were a tax on property and a duty on merchandise. The tax, called *Khral*, *Thang*, or *Shá*,* was levied on the dwellings and not on the lands; for as the lands did not produce sufficient food for the sustenance of the people, the establishment of a land-tax would have been absurd. The mass [439] of the people obtained their living by the *transport* of wool and other goods *through* their own country, to and from Yarkand and Kashmir. The duties, called *Shogam*, were imposed on merchandise, both imports and exports, and the whole revenue thus obtained was called *Thob-thang*.

The tax on houses was collected partly in kind, *Brú-*

* *Khral*, pronounced *Thal* in some districts, *Thang*, and *dPya*, the last being pronounced *Sha* or *Cha*.

792 195 NUNNERY--chómóling is the name of the village or settlement where all the nuns live. Each nun has her own room or house, which is called a "traSHak," or respectfully "zimSHak." Sometimes two or more nuns live in one house.

576 NUZZUR--chhakkhur. This word corresponds to the Indian word "nazar," while dombung corresponds to "dáli." The custom of the country is that if a man wishes to ask a favour, or borrow money, etc., of another, he must, when making the request, present a "chhakkhur" or "dombung." The former would probably consist of brick-tea and cash, and the latter of ghee, chhang and dried apricots.

787 [112]OMEN--nganltes or nganltas (general); ltaszang (good); ltasngan (bad). The Tibetans are great believers in signs and omens, and they have at least one book filled with descriptions of the various good and bad omens. The following are good omens:-- If on the day of a wedding, a rainbow is seen, or the sky has a reddish colour. If the first person seen on awaking in the morning is a venerable old man, or a person carrying water or milk or beer. If in the morning a magpie chatters near a house it is a sign that a guest or a welcome letter is coming. Among bad omens are the following:--If a kite or snow pheasant comes and settles on the roof of a house. If a raven croaks above a house. If a jackal or dog or fox howls at night. If an owl hoots, or a horse neighs at night. If a house takes fire. If the droppings of a bird fall on any one's head. To dream a bad dream. If an ass runs in front of, or brays near, a bride and bridegroom on their way home. If the beer for a marriage feast turns sour. If a person drops a cup and it falls upside down. If the measure of grain with the arrow in it (see marriage) is upset, it is a sign that the young couple will not lead a happy life together, etc., etc.

791 [113]ORACLE--mopa or rtseespa or onpo (a soothsayer, who works by book and rule); ngonkhien (a clairvoyant.)

564 681 [114]OUTCAST, TO--pheeng (or ton) ches (general); khioo ney ton ches (to put a person out of caste for any offence, etc.)

OUTCAST--khioo ney tonkhan (or pheeskhan) (as one who has been put out of caste for offending against the rules of his caste; tonkhan (as one who is a leper or notorious rascal).

6: Gazetteer G-5 (ca. 1840-1883) 1883-4 AJ4 W. Tibetans AJ4

[QUOTE FROM Rev. Heyde] [Punjab Gazetteer,

Chapter III, B. Social and Religious Life. Religion of Láhaul and Spiti.

reigned over Gúge and some other provinces of Ladákh), exercised a great influence in the matter, and were zealously engaged in propagating and establishing the Buddhist religion, especially in Láhaul. When, under their rule, crimes or smaller offences had been committed by Láhaulis, the offenders were punished by making them build religious monuments. Thus, for instance, all the *manis* and many of the *chhodtens* which are so common by the road-sides in Láhaul were originally built in accordance with a sentence by convicted offenders in expiation of their misdeeds.* According to Csoma-de-Körös and others, Buddhism was established in Tibet in the seventh century of our era,† and from thence and Ladákh it was no doubt introduced into Spiti and Láhaul, but probably to a small extent only up to the time of the king of Gúge before mentioned. I am unable to fix the date when the Gúge chiefs ruled over Kárja (the Tibetan name for Láhaul), the native accounts being too uncertain.

"Without doubt there existed a very low kind of religion in Láhaul before Buddhism got hold of the people, and the latter has not been able to suppress it entirely. That early religion of Láhaul is still known under the name of *Lung pachhoi*, that is, the religion of the valley. When it was flourishing, many bloody, and even human, sacrifices seem to have been regularly offered up to certain *lhá*, that is, gods or evil spirits, residing in or near old pencil-cedar trees, rocks, caves, &c. This cruel custom disappeared gradually after the doctrine of the Buddhists had influenced for a time the minds of the people. There is a story which I shall relate, as it seems to show that this was the case: Near the village of Keylang a large dry pencil cedar was standing till last year, when we felled it for fire-wood: the story goes that before this tree, in ancient times, a child of eight years old was annually sacrificed to make the spirit who resided in it well-disposed towards the inhabitants of Keylang. The children seem to have been supplied in turn by the different families of the village. It happened one year to be a widow who had to give up an only child of the required age of eight years. The day before her only one was to be taken from her she was crying loudly, when a travelling *lámá* from Tibet met her, and asked the cause of her distress. Having heard her story the *lámá* said: 'Well, I will go instead of your child.' He did so but did not allow himself to be killed: 'the spirit must kill me himself if he wants human flesh,' said he, so saying he sat himself down before the tree and waited for a long time; but as the demon made no attack on him, he became angry, took down from the tree the signs and effigies, and threw them into the Bhága river, telling the people not to sacrifice any more human beings, which advice was followed from that time forward. The demon fled and settled on the top of the Koko pass, where it still dwells under the name of the Keylang *lhá* or god of Keylang, getting now only the annual sacrifice of a sheep supplied by the shepherds.

* A *máni* is a long, low and broad wall or dyke of dry stone masonry covered with slabs or round smooth pebbles, on which the prayer *Om máni padme hum* is carved. Some in Spiti are near half a mile in length. A *chhodten* is a tall pyramidical monument, dedicated to Buddha, or containing the ashes of some Buddhist saint or holy man. The carved stones on the *manis* are made by the monks in the winter. They sell many to persons who wish to place one or more upon a *máni* in fulfilment of a vow, or in support of a prayer. Mr. Heyde means that the offender built the walls, not that they put the carved stones on them. Prayer-wheels turned by water are commonly to be seen outside villages in Láhaul and Spiti.

† Great Tibet ought to be read for Tibet, for in Ládakh or Western Tibet Buddhism appears to have been established many centuries before. General Cunningham puts its first introduction into Ladákh at B. C. 240, and its first firm establishment there at some time during the first century before Christ.

6: Gazetteer G-5 (ca. 1840-1883) 1883-4 AJ4 W. Tibetans AJ4

Chapter III, D.
Village Communities and Tenures.

The Thákur takes the *chatrá* or colts from landholders of every class: the custom is that when a mare foals, and her master sees that he is not the lucky owner of a filly, he at once takes both mare and colt to the Thákur's house; there he is presented with a new cap as a mark of favour, and leaves his mare to be kept for six months at the Thákurs expense. The nature of the holdings, and of the rents and services paid to the Thákurs, are the same in all the *jágírs*; there are differences of detail, but they do not require to be mentioned.

Land held by the Gúrú Ghantál monastery.

The big monastery of Gúrú Ghantál, with its chapels of ease at Koksar and Sansa, holds a good deal of land in different *kothís* rent-free as endowment. More than half is held of the *gonpa* by *káng chumpá* tenants, who by way of rent only present annually some shoulders of mutton, pots of whisky, and plaited sandals; but are bound to perform certain fixed services, such as the cultivation of the rest of the monastery land, the sweeping of snow off the roof of the monastery in winter, the bringing in so many faggots for winter fuel, &c.

Rights retained by the quondam Thákur of Birbogí.

There is a family in Birbogí which at one time were Thákurs of the *kothí*, and are not yet entirely out of possession. The present head is named Tángan Choigyál, an old man of eighty; his son is *lambardár* of the *kothí*; their manor house (now in ruins) is a very conspicuous object in the landscape, as most of these Thákurs' houses are. The family was in full possession till about the beginning of this century, when Rája Bikrámá Singh of Kúlu picked a quarrel with the then Thákur, and resumed the cash, cloth, and colts out of the items of revenue, leaving him only the grain item as a means of subsistence. This arrangement remained in force, though there is nothing to show that any Sikh or British official was aware of it, till about ten years ago, when grain having risen in price, the landholders, by agreement with the head of the family, converted the grain dues into cash, which has since been paid by each *jeola* in the proportions in which the grain used to be paid.* Each, moreover, continues to furnish a man for the two great *bestis*, that is, for sowing the barley and cutting the hay on the fields owned by the quondam Thákur. These fields were also in great part excused from bearing their share of the revenue of the *kothí* by the other landholders when they distributed it at Regular Settlement. This is all that remains to the present head of the family of its former privileges. He seems to be entitled to a position not unlike that of a *talúkdár* of a village in the plains.

Rights in water in Láhaul.

The small canals upon which cultivation in Láhaul depends seem to have been always constructed and kept in repair entirely by the landholders of the villages which use them. They are considered therefore to be the property of the shareholders in the water, who cast lots every year to decide the rotation in which each man shall irrigate his fields. Each holding furnishes a man for repairs; fines are levied on absentees, and consumed in a common feast with the produce of the *yurzing* or canal field, if there is one. The

* By each *jeola*, excepting those held by two families of *dotom*, or kinsmen of the Thákur.

6: Gazetteer G-5 (ca. 1840-1883) 1883-4 AJ4 W. Tibetans AJ4

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Chapter, III, D. Village Communities and Tenures.

651 421 681 487

Begár or forced labour demandable from landholders in Láhaul.

general opinion is that no outsider can get a share of the water of a canal, except from the body of old shareholders. The State in a *Khálsa kothí*, or the Thákur in a *jágír kothí* could not give a share; practically, therefore, their power of approvement of the waste is limited unless a new canal can be made.

Mr. Barnes describes the system of forced labour or *begár* prevailing everywhere in the hills, and mentions that it is one of the conditions of the tenure by which all proprietors hold land of the State in the hills. The forced labour which falls upon the Láhaulís is peculiarly heavy, as their country is a highway used by many travellers and officials on tour, and is surrounded by high snowy mountains and large tracts of elevated waste. The demand all occurs within the six months of summer, the time within which all field-work and all trading journeys have to be done. It is distributed equally on each *jeola* or holding, but at times it may be ruinous to certain families to have to give perhaps their only man; or there may be none at home, all being away engaged in the carrying trade between Tibet and Kúlu, in which almost all Láhauli landholders are concerned. The arrangements which have grown up owing to these difficulties, and which have now become fixed institutions, deserve to be briefly described. For the periodical repairs of roads a man is demanded from every house; for the carriage of travellers' baggage a man is taken from every *jeola*, or full allotment of land only, and the demand for supplies of all kinds required for travellers is distributed in the same way. Each *kothá* or group of *kothís* repairs certain lengths of highway, and carries baggage, and furnishes supplies for the stage nearest to it to travellers merely moving about the valley. The four *kothís* of Rangloi unite to undertake the carriage from Láhaul over the Rhotang Pass into Kúlu. There remains the most difficult task of all, that is, the providing supplies and carriage to travellers wishing to leave Láhaul for Ladákh, Spiti, Zánskár or Chamba by the Bará Lachá, Shinkúl or Kukti Passes, which are all over 16,000 feet in height, and involve a camping out for several nights in the wastes. For the work of these passes the ten *kothís* of Gára and Pattan have put themselves on a common roll or roster. Each *kothí* keeps an account with the other *kothís* of its contributions, and within each *kothí* each holding keeps an account with the other holdings. If a holding cannot furnish its man in its turn, a substitute is sent, and there are fixed sums which the defaulting holding is obliged to pay to the substitute (in addition to the pay which he gets from the travellers), as follows:—

Name of route.	Sum payable to the substitute.
To Rupshú, over the Bára Lácha	Three rupees cash, 70lbs barley meal, 1 pair boots, butter 2lbs.
To Spiti, over the Bára Lácha ...	Rupees 3 cash, 36lbs barley meal, 1 pair boots, butter 2lbs.
To Zánskár, over the Shinkúl ...	Rupees 2 cash, 32lbs barley meal, 1 pair boots, 2lbs butter.
To Chambá, over the Kukti ...	Rupees 2 cash, 32lbs barley meal, 2 pairs plaited straw sandals.

6: Gazetteer G-5 (ca. 1840-1883) 1883-4 AJ4 W. Tibetans AJ4

Chapter III, D.

Village Communities and Tenures.

Begár or forced labour demandable from landholders in Láhaul.

The demand by travellers for pack horses over the Bára Lácha and Shinkúl is in the same way borne rateably by the ten *kothís*, and within the *kothís* by the different holdings. The defaulting *kothí* or landowner pays the owner of the substitute pony a considerable sum in cash at rates fixed for the different journeys.* Defalcations are numerous and the accounts therefore perplexing. It is the custom, therefore, for each *kothí* to appoint by vote an elder to represent the *kothí* in the committee of *begár* accounts. He is called the *siyáná* and gets Rs. 6 cash per annum from the common account, and is himself excused all *begár*. To collect and store supplies in readiness for travellers, and to keep the account of the store, two men are selected year by year in each *kothí* under the name of *talabdár*. They get no pay, but are excused their turn of the *begár* while in office. The above regulations apply to the regular landholders; they appear to have been made by the people themselves under general pressure put upon them by the authorities. In Pattan there are some Dágí families who hold *chetís* or small allotments of land rent-free from the State, on condition of stacking wood at certain halting places.

Sub-divisions in Spiti, and nature of town-ship and villages.

There are five *kothís* in Spiti—Todpá, Barjik, Shám, Chuzí and Pín; the four first are in the main valley, the fifth includes the whole valley of the Pín river, and is shut off from the rest of Spiti by high mountains, except where the river forces its way through a deep narrow gorge to join the main stream. The name Todpá means head of the valley, Barjik the centre, and Shám the lower end, and these *kothís* divide the main valley between them accordingly. The name Chuzí implies endowment or assignment to religious uses, and the *kothí* consists of the villages scattered here and there over the whole length of valley. Again, in a few cases, different holdings in the same village belong to different *kothís*. It is hardly necessary to add that there are no boundaries between *kothís* in the waste, except perhaps in the case of Pín. A kind of boundary will be found to exist between villages which are not separated by any large expanse of waste; that is, such villages have loosely recognized limits within which both exercise separately the right of grazing cattle or cutting grass and wood; but even where such limits are clearest, they do not imply a full property of the soil. The right of the State to grant new holdings in such waste, if it could give water by making a new canal, would not be disputed; and where the villages, as is often the case, are far apart, there are no boundaries between them of any kind.

Form of holding of fields and nature of tenure of waste and arable lands.

The form of tenure of the fields attached to the villages is the same as in Láhaul. Each field belongs to a separate estate or house, and with other fields forms its allotment supposed to have been originally conferred by the States and to be now independently held of it.† Owing to the custom of primogeniture which prevails these allotments are never sub-divided. The water available for irrigation

* Of the ten *kothís* two have no ponies, being on the south side of the Chandra, so they of course default each time.

† *Zing kom* is a local word used to describe such an allotment. A *zing kom chenpó* or full allotment, varies from three to seven acres in extent according to quality of the soil. Some few families only hold a half allotment or *zing khom fitha*.

8: Calvert G-3 (1904) 1909 AJ4 W. Tibetans AJ4
[P. 502] Spiti

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It must be remembered that in a land where only the eldest son marries and all the younger sons are celibate, a sonless land-owner naturally has no relations in the male line to adopt.

d.—Where there is a childless widow.

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If a man dies childless, his widow first marries his younger brother. Failing him, she may marry any man of her husband's *got*. But the land is considered her property till she has borne a son, who, on attaining his majority, steps into the *khang chhen*.

Cremation.

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Coffins are not used in Spiti for want of wood. Corpses are carried in a sitting posture to the burning-ground either on a man's shoulder or in a blanket held by four men.

II.

Social Ideas.

Asceticism.

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Hermits exist and are said to subsist on nothing but tea and one morning meal.

Excommunication.

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A man can be excommunicated for eating with a man or cohabiting with a woman of lower caste than himself. The decision is announced by public proclamation.

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The *lâmas* taking no part in this, but they turn out a *lâma* who misbehaves himself and he is never taken back in any circumstances.

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An excommunicated layman can be received back into caste after ceremonies. He has to read a book on *shakspa* or penitential offerings, burn a lamp in front of a *deota*, feast the *lâmas*, and may be ordered to make 100 or 1,000 prostrations before some *deota* in a monastery.

Leprosy.

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Leprosy is found in one village in Spiti, ascribed to the water of a spring, wherein lives a devil, Chutalwâ.

If a man passes the spring on a day when the devil happens to be present, he is liable to get leprosy.

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A leper is not allowed to marry, but if married, he is not separated from his wife. He feeds by himself in a separate room and the villagers will not eat with him.

12: Douglas T-3 (1951)1953 AJ4 W. Tibetans AJ4

dom to divine where the truth lay. Sometimes an accused would have to draw a red-hot iron through his hand or take a stone out of a pot of boiling oil. If he did this without injury, he would be in the clear. (The legends persist that there was a secret art for protecting the hands against such ordeals.) Sometimes the judge, when confused by the evidence, would cast lots instead and in that way determine on which side the truth lay.

Capital punishment in Tibet was cruel—pushing red-hot irons into the temples, hurling the convicted person from a great height, smashing his joints with a hammer. In Ladakh, when a temple was spoliated or a person horribly murdered, the guilty one was either crucified or bound hand and foot, weighted with stones, and thrown into the Indus to drown. The usual punishment for crimes—whether adultery or theft—was whipping, fine, or imprisonment. There was a mounting scale of fury which society directed against the thief. For the second offense of stealing, he lost his left hand; for the third, his right hand; for the fourth, he was drowned in the Indus.

At Leh I inquired about these practices, and I learned that they are now mostly history. They are history not only because the Kashmir law is an ameliorating one but because the Buddhist religion has made a vast difference in the lives of the people. Thus I could find in Leh no modern record of a crime of violence—murder, manslaughter, rape, assault and battery.

"Don't put too much reliance on the absence of rape," a junior officer laughingly told me. "The resistance point of the average Ladakhi woman is pretty low."

"How about killings?"

"None."

"Assaults?"

"None."

"Not even between husbands in polyandric families where several brothers must share one wife?"